

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2014 JUN 13 AM 11:38

JONNA C. GOULDING and MARCUS COXON)
Plaintiffs,)

CLERK
BY
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v.)

Case No.: 2:14-cv-119

PATRIOT INSURANCE COMPANY)
Defendant.)

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Preliminary Statement

1. This is a civil action brought by Jonna Goulding and Marcus Coxon for the recovery of damages due under the Underinsured Motorist Coverage of an automobile insurance policy issued by Defendant Patriot Insurance Company.

JURISDICTION

2. This court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a), there being in excess of \$75,000.00, exclusive of interest and costs, in controversy and this action being between citizens of different states.

PARTIES

3. Plaintiffs are citizens of the State Vermont.
4. Defendant, Patriot Insurance Company is a corporation that is incorporated and has its principal place outside the State of Vermont.
5. At all times relevant hereto, Plaintiffs were insured by a policy issued by Defendant, Patriot Insurance Company, bearing policy number: AAP3071517 (hereafter "The Policy").
6. The Policy provides underinsured motorist coverage to Jonna Goulding and Marcus Coxon.

FACTS

7. On July 17, 2012, Jonna Goulding was injured in a automobile collision when Joshua Fahnestock negligently operated his truck, crossed the center line of the roadway and struck Jonna Goulding's vehicle head-on.

8. As a direct and proximate result of Joshua Fahnestock's negligence, Jonna Goulding suffered serious and permanent injuries.
9. As a direct and proximate result of Joshua Fahnestock's negligence, Jonna Goulding's husband, Marcus Coxon, has suffered the loss of care, comfort and society of his wife, and other damages.
10. As a result of Joshua Fahnestock's negligent operation of his truck, he is legally liable to Plaintiffs for the injuries caused by the crash.
11. Under the terms of the underinsured motorist coverage provisions of The Policy and Vermont law, Joshua Fahnestock was an underinsured driver.
12. Under the terms of the policy and under Vermont law, Patriot Insurance Company is obligated to pay to Plaintiffs the compensatory damages they would have been entitled to recover from Joshua Fahnestock, up to the limits of The Policy, subject to a reduction for the amount paid by Mr. Fahnestock's insurer.

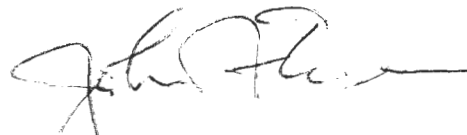
CLAIM FOR RELIEF

Plaintiffs request damages as deemed appropriate by the jury in an amount exceeding \$75,000, the minimum jurisdictional amount of this court, and such other relief as may be available to them.

JURY DEMAND

Plaintiffs demand a trial by jury.

SHOUP EVERS & GREEN



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June 12, 2014